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THEOR 205.1 US (10107436)

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Dated: 10/26/04

Signature: Fani Malikouzakis
(Fani Malikouzakis)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Charles PACLAT et al.

Application No.: 09/975,945

Group Art Unit: 2124

Filed: October 11, 2001

Examiner: Anil KHATRI

For: METHOD FOR DEVELOPING BUSINESS
COMPONENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT UNDER 37 C.F.R. § 1.111

Dear Sir:

This is responsive to the Office Action dated October 6, 2004 in the referenced application. Applicant is concurrently submitting a Declaration pursuant to 37 C.F.R. § 131 made by the inventor. It is believed that this Response and the accompanying Declaration effectively overcome the only cited reference, *i.e.*, United States Patent No. 6,665,861 to Francis et al. ("Francis").

Applicants submit that Francis is not prior art under 35 U.S.C. § 102. Thus, the rejection in Office action dated October 6, 2004 based on § 102(e) is improper and should be withdrawn. Section 102(e) precludes the grant of a patent where a patent is "granted on an application for patent another filed in the United States *before the invention by the applicant ...*" (emphasis added). The accompanying Rule 131 Declaration establishes, however, the referenced invention was conceived and reduced to practice prior to August 24, 2000 filing date of the Francis patent. In other words, the application for the Francis

patent was not filed until *after* the completion of applicant's invention. The Francis patent is therefore inapplicable as § 102 prior art, and applicants therefore respectfully request that the rejection under § 102 be reconsidered and withdrawn.

Respectfully submitted,

Fulbright & Jaworski L.L.P.

By 

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